

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

WILLIE WILLIS,

Plaintiff,

VS.

CAPE GIRARDEAU COUNTY JAIL,
et al.,

Defendants.

Case No. 1:18 CV 250 RWS

MEMORANDUM AND ORDER

Defendant again moves to dismiss plaintiff's case because plaintiff did not sign his answers to interrogatories and comply with the verification requirement of Fed. R. Civ. P. 33(b)(3) and (5), despite being granted an extension of time to do so and explicit instructions by the Court. (Doc. 58). Plaintiff has apparently also failed to provide any documents in response to the request for documents.

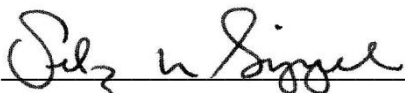
However, defendant does not attach the responses it received from plaintiff so that the Court can determine whether plaintiff met his obligations or not. Defendant cannot expect this Court to enter such a harsh sanction against plaintiff without providing any evidence that plaintiff has failed and refused to comply with its requirements. Accordingly, the motion to dismiss will be denied without prejudice to filing a properly supported motion.

Plaintiff asks again for the appointment of counsel, but this request does not excuse plaintiff from complying with the Orders of this Court and properly responding to discovery requests, obligations that remain his whether or not counsel is appointed. I continue to believe that appointment of counsel is not warranted at this time after consideration of the relevant factors. See *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018); *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to dismiss case [60] is denied without prejudice to filing a properly supported motion.

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel [62] is denied without prejudice.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of July, 2020.